THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 22061, 22068, 22576 & 22595, of 2006.

Dated: 11.12.2006

W.P.NO.22061 OF 2006

Between:

The Depot Manager, APSRTC,Dharmavaram Depot.

..Petitioner.

And

B. Eswarappa and another.

..Respondents.

W.P.NO.22068 OF 2006

Between:

The APSRTC rep. by its Managing Director, Mushirabad, Hyderabad and another.

..Petitioners.

And

S. Hussain Naik and another.

..Respondents.

W.P.NO.22576 OF 2006

Between:

The Depot Manager, APSRTC, Puttur Depot, Puttur, Chittoor District.

..Petitioner.

And

B. Murali and another.

..Respondents.

W.P.NO.22595 OF 2006

Between:

The Depot Manager, APSRTC, Hindupur.

..Petitioner.

And

P. Narasappa and another.

..Respondents.

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W.P. Nos. 22061, 22068, 22576 & 22595, of 2006.

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Common Order:

Since the facts involved in all the writ petitions are identical in nature, they are being disposed of by this common order.

2. The respondents-workmen were appointed as Casual Drivers in the petitioners-Corporation on the basis of the driving licences produced by them. Subsequently, on a thorough investigation conducted by the authorities of the Corporation, it was revealed that the driving licences produced by the respondents-workmen are not genuine. Subsequently, show-cause notices were issued to each of the respondents-workmen and the respondents-workmen submitted their explanations contending that the driving licences issued by the licensing authorities are genuine. Not satisfied with the said explanations, termination orders were passed by the respective Depot Managers against the respondents-workmen. Against the said termination orders, the respondents-workmen raised industrial disputes in I.D. Nos. 196 of 2003, 50 of 2003, 15 of 2003, and 195 of 2003, respectively, and the Labour Court, Anantapur, after considering the evidence adduced by both the parties, by respective awards impugned herein, directed the petitioners-Corporation to reinstate the respondents-workmen herein with continuity of service but without attendant benefits and back wages. Aggrieved by the said award, the petitioners-Corporation filed the present writ petitions.

3. Heard the learned Standing Counsel for the petitioners-Corporation. Despite service of notice, none appear for the respondents-workmen, except the respondent-workman in W.P. No. 22068 of 2006, on whose behalf counsel represented and also filed counter. I have also heard him at length and also perused the impugned award of the Labour Court.

4. During the course of arguments, it is submitted by the learned Standing Counsel for the petitioners-Corporation and admitted by the counsel for the respondent-workman in W.P. No. 22068 of 2006 that earlier when similarly placed persons approached the Labour Court, the Labour Court, by common award dated 19.06.2004 passed in I.D. No. 106 of 2002 and batch, directed the Corporation to appoint the petitioners-workmen therein as drivers afresh by extending the benefit of Circular No.P4/684(7)/2000 RM(A), dated 31.08.2000 for the purpose of calculating the period of three years valid driving licence. Relying on the same, both the counsel agreed for modification of the impugned award of the Labour Court, which directed reinstatement of the respondents-workmen with continuity of service to that of appointment of respondents-workmen as Drivers afresh by extending the benefit of Circular No.P4/684(7)/2000 RM(A), dated 31.08.2000 as awarded by the Labour Court in I.D. No.106 of 2002 and batch.

The Labour Court, in I.D. No.106 of 2002 and batch, held thus.

> "In the result the claim petitions are allowed and the respondents are directed to appoint the petitioners as drivers afresh. The respondents also shall take into consideration the circular issued by Regional Manager, APSRTC, Tirupati, No.P4/684 (7)/2000 RM(A), dated 31.08.2000 for the purpose of calculating the period of 3 years valid driving licence. If any one of the petitioner has not furnished the genuine driving licence which he had obtained prior to or subsequent to their selection to the Regional Manager as per the above referred circular, such petitioners are directed to submit their such licences to the respondents within a period of one month from the date of publication of this Award. The respondent shall also take into consideration the period of service rendered by the petitioners previously for the purpose of calculating 3 years period of valid driving licence.

5. Having regard to the fact that the similarly placed persons were directed to be reinstated as Drivers afresh by extending the benefits of Circular, dated 31.08.2000, and having regard to the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petitions with the following modification.

6. The impugned award of the Labour Court, which directed

reinstatement of the respondents-workmen into service with continuity of service is modified to that of reinstatement of the respondents-workmen into service as Drivers afresh by extending the benefits of Circular, dated 31.08.2000. The petitioners-Corporation is directed to appoint the respondents-workmen as drivers afresh by extending the benefits of Circular dated 31.08.2000 for the purpose of calculating the period of three years valid driving licence. The petitioners-Corporation shall take into consideration the period of service rendered by the respondents-workmen previously for the purpose of calculating three years period of valid driving licence.

Accordingly, the writ petitions are disposed of. No costs.

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N.V. RAMANA, J.

Date: 11.12. 2006
sj/nsr